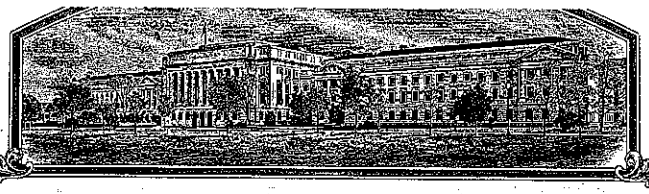

No. 9400052

THE UNITED STATES OF AMERICA

TO ALL TO WHOM THESE PRESENTS SHALL COME:

J.R. Simplot Company

Whereas, THERE HAS BEEN PRESENTED TO THE

Secretary of Agriculture

AN APPLICATION REQUESTING A CERTIFICATE OF PROTECTION FOR AN ALLEGED DISTINCT VARIETY OF SEXUALLY REPRODUCED, OR TUBER PROPAGATED PLANT, THE NAME AND DESCRIPTION OF WHICH ARE CONTAINED IN THE APPLICATION AND EXHIBITS, A COPY OF WHICH IS HEREUNTO ANNEXED AND MADE A PART HEREOF, AND THE VARIOUS REQUIREMENTS OF LAW IN SUCH CASES MADE AND PROVIDED HAVE BEEN COMPLIED WITH, AND THE TITLE THERETO IS, FROM THE RECORDS OF THE PLANT VARIETY PROTECTION OFFICE, IN THE APPLICANT(S) INDICATED IN THE SAID COPY, AND WHEREAS, UPON DUE EXAMINATION MADE, THE SAID APPLICANT(S) IS (ARE) ADJUDGED TO BE ENTITLED TO A CERTIFICATE OF PLANT VARIETY PROTECTION UNDER THE LAW.

NOW, THEREFORE, THIS CERTIFICATE OF PLANT VARIETY PROTECTION IS TO GRANT UNTO THE SAID APPLICANT(S) AND THE SUCCESSORS, HEIRS OR ASSIGNS OF THE SAID APPLICANT(S) FOR THE TERM OF TWENTY YEARS FROM THE DATE OF THIS GRANT, SUBJECT TO THE PAYMENT OF THE REQUIRED FEES AND PERIODIC REPLENISHMENT OF VIABLE BASIC SEED OF THE VARIETY IN A PUBLIC REPOSITORY AS PROVIDED BY LAW, THE RIGHT TO EXCLUDE OTHERS FROM SELLING THE VARIETY, OR OFFERING IT FOR SALE, OR REPRODUCING IT, OR MARKETING IT, OR EXPORTING IT, OR CONDITIONING IT FOR PROPAGATION, OR STOCKING IT FOR ANY OF THE ABOVE PURPOSE, OR USING IT IN PRODUCING A HYBRID OR DIFFERENT VARIETY THEREFROM, TO THE EXTENT PROVIDED BY THE PLANT VARIETY PROTECTION ACT. (84 STAT. 1542, AS AMENDED, 7 U.S.C. 2321 ET SEQ.)

LAWNGRASS, JAPANESE

'J-37'

In Testimony Whereof, I have hereunto set my hand and caused the seal of the Plant Variety Protection Office to be affixed at the City of Washington, D.C. this twenty-third day of March, in the year of our Lord two thousand one.

Attest:

Alan R. Post

Acting Commissioner
Plant Variety Protection Office
Agricultural Marketing Service

Secretary of Agriculture

FORM APPROVED: OMB 0581-0055, Expires 1/31/91

U.S. DEPARTMENT OF AGRICULTURE
AGRICULTURAL MARKETING SERVICE

APPLICATION FOR PLANT VARIETY PROTECTION CERTIFICATE

(Instructions on reverse)

Application is required in order to determine if a plant variety protection certificate is to be issued (7 U.S.C. 2421). Information is held confidential until certificate is issued (7 U.S.C. 2426).

1. NAME OF APPLICANT(S) *(as it is to appear on the Certificate)*
RAP 11/1/00 ~~Jacklin Seed Company~~ J.R. Simplot Co.

2. TEMPORARY DESIGNATION OR EXPERIMENTAL NO.
J-37

3. VARIETY NAME
J-37

4. ADDRESS *(street and no. or R.F.D. no., city, state, and ZIP)*
West 5300 Riverbend Ave.
Post Falls, ID 83854

5. PHONE *(Include area code)*
208/773-7581

FOR OFFICIAL USE ONLY

PVPO NUMBER
9400052

FILING Date: Dec. 22, 1993
Time: 1:00 ☐ A.M. ☒ P.M

FEES RECEIVED Filing and Examination Fee: $2325.00
Date: Dec. 20, 1993
Certificate Fee: $320.00
Date: January 10, 2001

6. GENUS AND SPECIES NAME
Zoysia japonica

7. FAMILY NAME *(Botanical)*
Poacea

8. CROP KIND NAME *(Common Name)*
Zoysiagrass

9. DATE OF DETERMINATION
May 1, 1991

10. IF THE APPLICANT NAMED IS NOT A "PERSON," GIVE FORM OF ORGANIZATION *(Corporation, partnership, association, etc.)*
Corporation

11. IF INCORPORATED, GIVE STATE OF INCORPORATION
Idaho

12. DATE OF INCORPORATION
March 1983

13. NAME AND ADDRESS OF APPLICANT REPRESENTATIVE(S), IF ANY, TO SERVE IN THIS APPLICATION AND RECEIVE ALL PAPERS
Dr. A. Douglas Brede
West 5300 Riverbend Ave.
Post Falls, ID 83854
PHONE *(Include area code)*: 208/773-7581

14. CHECK APPROPRIATE BOX FOR EACH ATTACHMENT SUBMITTED *(Follow INSTRUCTIONS on reverse)*
- a. ☒ Exhibit A, Origin and Breeding History of the Variety.
- b. ☒ Exhibit B, Novelty Statement.
- c. ☒ Exhibit C, Objective Description of Variety.
- d. ☐ Exhibit D, Additional Description of Variety.
- e. ☒ Exhibit E, Statement of the Basis of Applicant's Ownership.
- f. ☐ Seed Sample (2,500 viable untreated seeds). Date Seed Sample mailed to Plant Variety Protection Office _____
- g. ☒ Filing and Examination Fee ($2,150) made payable to "Treasurer of the United States."

15. DOES THE APPLICANT(S) SPECIFY THAT SEED OF THIS VARIETY BE SOLD BY VARIETY NAME ONLY AS A CLASS OF CERTIFIED SEED? *(See section 83(a) of the Plant Variety Protection Act.)*
☐ YES *(If "YES," answer items 16 and 17 below)* ☒ NO *(If "NO," skip to item 18 below)*

16. DOES THE APPLICANT(S) SPECIFY THAT THIS VARIETY BE LIMITED AS TO NUMBER OF GENERATIONS?
☒ YES ☐ NO

17. IF "YES" TO ITEM 16, WHICH CLASSES OF PRODUCTION BEYOND BREEDER SEED?
☒ FOUNDATION ☒ REGISTERED ☒ CERTIFIED

18. DID THE APPLICANT(S) PREVIOUSLY FILE FOR PROTECTION OF THE VARIETY IN THE U.S.?
☐ YES *(If "YES," through* ☐ Plant Variety Protection Act ☐ Patent Act. Give date: _____ .)
☒ NO

19. HAS THE VARIETY BEEN RELEASED, USED, OFFERED FOR SALE, OR MARKETED IN THE U.S. OR OTHER COUNTRIES?
☐ YES (If "YES," give names of countries and dates)
☒ NO

20. The applicant(s) declare(s) that a viable sample of basic seeds of this variety will be furnished with the application and will be replenished upon request in accordance with such regulations as may be applicable.

The undersigned applicant(s) is (are) the owner(s) of this sexually reproduced novel plant variety, and believe(s) that the variety is distinct, uniform, and stable as required in section 41, and is entitled to protection under the provisions of section 42 of the Plant Variety Protection Act.

Applicant(s) is (are) informed that false representation herein can jeopardize protection and result in penalties.

SIGNATURE OF APPLICANT *(Owner(s))*	CAPACITY OR TITLE	DATE
A. Lloyd Brede	Director of Research	June 30, 1993
SIGNATURE OF APPLICANT *(Owner(s))*	CAPACITY OR TITLE	DATE
Susan H. Samuelson	Associate Plant Breeder	July 2, 1993

Exhibit 14A

J-37 Japanese Zoysiagrass

'J-37' is a seeded, turf-type zoysiagrass (*Zoysia japonica* Willd.) released by Jacklin Seed of Post Falls, ID, a division of J.R. Simplot. J-37 originated from four Jacklin Seed breeding lines: (1) ZJ-11 (a germplasm release from the USDA furnished in return for a research grant from Jacklin Seed Company on October 30, 1988), (2) JZ-1 (Japanese germplasm acquired in November 1987), (3) ZJ-46 (Korean germplasm acquired July 26, 1988), and (4) ZJ-9 (Chinese germplasm acquired May 16, 1988 from Qin Huang Dao, China). Breeding procedures used in the development of J-37 included: the assembly of germplasm sources, selection of single plants within the maternal progenies and development of a modified multiclone synthetic.

Seed of each breeding line was started in our Post Falls, ID greenhouse and transferred to separate isolated blocks in Visalia, CA in 1989. About 10% of the plants were undesirable and were removed from the nursery blocks. In May 1991, clones with abundant purple seed heads and improved texture and color were selected. Ten percent of the material was selected from JZ-1, 5% from ZJ-46, 5% from ZJ-9, and the rest from ZJ-11. Selected clones were broken into pieces and blended together, then used to sprig a ¼-acre selection block near Lakeland, GA, in May, 1991. In early 1992, the block was rogued to increase uniformity, removing about 25% of the plants based on unattractive phenotypes and white seed heads.

To improve uniformity, in June 1992, 75 clones were selected from this isolated block based on uniform seed head color, texture, turf characteristics, and ample seed yield. These were sprigged into a small spaced-plant breeder block. Before anthesis in 1993, several plants (7%) were rogued based on low density and mole cricket damage. First breeder seed was produced in June 1993. After the 1993 harvest, the breeder block was increased vegetatively to 1/4 acre in size and allowed to fill in. In 1998, breeder seed was used to plant a 1-acre foundation field near Lakeland, GA.

J-37 is a uniform and stable variety. All seed lots evaluated have produced turf of comparable quality and acceptable uniformity. As with any cross-pollinated, sexually produced species, segregation and recombination will produce some plants which deviate from the mean in each generation. Conspicuous variants plants or segregants are rogued from seedstock fields to maintain continued uniformity and stability. Although they will occur in each generation, the frequency of these variants in J-37 is less than 5%.

Exhibit 14 B
J-37 Japanese Zoysiagrass
Novelty Statement

J-37 is a uniform, seed-propagated variety with a medium dark green color, medium density and a medium broad texture under turf conditions. J-37 is most similar to Common, both of which have predominately purple pigmentation on the seedheads and stolons. The source of Common used was Sunrise brand imported from China (Korean Common was unavailable). J-37 differs from Common on the following botanical characteristics:

1. The number of spikelets per spike was significantly less on J-37 than on Common during three years of data collection. In 1993, J-37 averaged 32.7 spikelets vs. 45.6 spikelets on Common; in 1994, J-37 averaged 24.85 spikelets vs. 36.00 spikelets on Common; and in 1995, J-37 averaged 35.48 spikelets vs. 42.26 spikelets on Common (Tables 1,4 and 7).

2. The glume length of J-37 was significantly larger than Common over three years of data collection. In 1993, the glume length of J-37 was 3.7 mm vs. 2.9 mm for Common; in 1994, the glume lengths were 3.73 mm for J-37 and 2.90 mm for Common; and in 1995, this was 3.26 for J-37 and 2.23 for Common (Tables 1,4 and 7).

3. The leaf width of J-37 was significantly narrower than that of Common during three years of data collection. In 1993, J-37 had a leaf width of 4.4 mm vs. 5.1 mm in Common; in 1994, J-37 was 4.72 mm vs. 5.53 for Common; and in 1995, J-37 was 5.35 mm vs. 6.00 mm for Common (Tables 1,3 and 6).

4. J-37's spike length was significantly longer than Common during two years of data collection. In 1993, J-37 was 10.8 cm vs. 9.5 cm for Common; in 1994, J-37's spike length was 13.00 cm versus 8.50 cm for Common. In 1995, this was non-significant difference, although J-37's 18.02 cm spike length was longer than Common's 17.04 cm spike length (Tables 1,2 and 6).

U.S. DEPARTMENT OF AGRICULTURE
PLANT VARIETY PROTECTION OFFICE, AMS, USDA
NATIONAL AGRICULTURAL LIBRARY Bldg,. Rm. 500
10301 BALTIMORE Blvd.
BELTSVILLE, MARYLAND 20705

OBJECTIVE DESCRIPTION OF CULTIVARS
ZOYSIAGRASS
(Zoysia spp.)

NAME OF APPLICANT(S)	TEMPORARY DESIGNATION	VARIETY NAME
Jacklin Seed Company	**J-37**	J-37
ADDRESS (Street and no., or R.F.D. No., City State and ZIP Code		FOR OFFICIAL USE ONLY PVPO NUMBER
W 5300 Riverbend Post Falls Idaho 83854		9400052

Place the appropriate number that describes the varietal character of this variety in the boxes below. Characteristics describes, including numerical measurements, should represent those that are typical for the variety. Measured data should be for SPACED PLANTS. Royal Horticultural Society or any recognized color fan may be used to determine plant colors. Characteristics marked with an asterisk * are characteristics which should be recorded.

STANDARD CHECK VARIETIES

1=Common (Seed propagated, South Korean) **Chinese**

2=Meyer (Vegetatively propagated)

3=Emerald (Vegetatively propagated)

4=Other: _____

1. SPECIES

_1_ 1=*Zoysia japonica* 2=*Zoysia matrella* 3= *Zoysia tenufolia* 4 = OTHER: ____

2. PLOIDY

_1_ 1=Diploid 2=Tetraploid _40_ Diploid Chromosome Number

3. ADAPTATION (0=Not tested, 1= Not adapted, 2= adapted)

_1_	Northwest	_0_	North central	_0_	Northeast
_0_	West central	_0_	Central	_2_	East central
_2_	Southwest	_2_	South central	_2_	Southeast

____ Other region _____

4. RHIZOMES:

_2_ 1=No rhizomes 2= Weakly rhizomatous (Common) 3= Moderately rhizomatous (Meyer)

____ 4= Heavily rhizomatous (Emerald)

____ cm. spread in 1 year; Test area _____

9400052

5. STOLONS AND SHOOTS:

2▲1	cm Length of third internode	2▲4	mm Maximum diameter of third internode
0▲3	cm Shorter than check variety: 1	____	mm Narrower than check variety: ___
	Same as check variety:____		same as check variety: 1
____	cm Longer than check variety:____	____	Wider than check variety. ___
95	Percentage plants with anthocynanin pigmentation	____	Number of growing points / node cluster

6. LATERAL LEAF:

5	Ligule hair length	1=short	5=medium		9=long
110	mm Length (3rd or 4th leaf below apical meristem)			5▲4	mm Width (at widest part)
248	mm Shorter than check variety: 1			0▲6	mm Narrower than check variety: 1
	Same as check variety:____				Same as check variety:____
288	mm Longer than check variety: 2			1▲7	mm Wider than check variety: 2
6	Width class	1=Fine	3=medium fine ('Emerald')		5-Medium ('Meyer')
		7=Coarse	9=Very coarse		
5	Color	1= Light green (Emerald)	3=Medium light green		5= Medium dark green (Common)
		7= Dark green (Meyer)	9= Dark blue green		
2	Winter color	1= Gold	3=Light brown	5=Dark brown	7=Purple 9=Green

7. FLAGL LEAF:

5	Ligule hair length	1=short	5=medium		9=long
60.7	mm Length			1▲3	mm Width (at widest part)
9▲2	mm Shorter than check variety: 1			0▲1	mm Narrower than check variety: 1
	Same as check variety:____				Same as check variety: 2
19▲4	mm Longer than check variety: 2			____	mm Wider than check variety:____

8. SPIKE:

18▲02	mm Length from flag leaf collar to tip	____	mm Width (at widest part)
____	mm Shorter than check variety:___	____	mm Narrower than check variety:____
	Same as check variety:____		Same as check variety:____
10	mm Longer than check variety: 1	____	mm Wider than check variety:____
35▲5	Number of spikelets per spike	0▲4	Number of seedheads per cm^2
7▲2	Fewer than check variety: 1	____	Fewer than check variety:____
	Same as check variety:____		Same as check variety:____
____	More than check variety:____	____	More than check variety:____

8. SPIKE: (continued)

_100_ Percentage of plants with purple anthers

____ Percentage of plants with yellow anthers

____ Percentage of plants with another color (specify color): _____

_95_ Percentage of plants anthocyanin pigmentation

9. SEED

_2057_ Number of seeds per gm

____ Fewer than check variety:____

Same as check variety:____

_528_ More than check variety:_1__

_3▲3_ mm Glume length

____ mm Shorter than check variety:____

Same as check variety:____

_1▲0_ mm Longer than check variety:_1__

____ Percentage of glumes with awns

_1▲3_ mm Glume width

____ mm Narrower than check variety:____

Same as check variety:____

_0▲5_ mm Wider than check variety:_1__

____ mm Awn length

10. COLD TOLERANCE:

_7__ Cold tolerance: 1=Low 3=Moderately low ('Emerald') 5=Moderate 7=Moderately high ('Meyer'), 'Common') 9=High

11. DISEASE AND INSECT: (1 = Least resistant, 9 = Most resistant)

_0__ Brown patch (*Rhizoctonia solani*)

_0__ Dollar spot (*Sclerotinia homeocarpa*)

_0__ Rust (*Puccinia zoysiae*)

_0__ Fading out (*Curvularia* spp.)

_0__ Other disease or pest (specify):_____

_0__ Melting out (*Helminthosporium* spp.)

_0__ Spring dead spot

_0__ Billbugs (*Sphenophorus ventus-vestitus*)

_0__ Chinchbugs (*Blissus* spp.)

12. EXPERIMENTAL DESIGN:

Please explain the methods, conditions and experimental designs utilized to collect the data for the variety described on this form.

Measurements from 1993 are from plants randomly selected from seed production trials near Lakeland, GA.
Measurements from 1994 and 1995 are from plants in a spaced plant PVP trial which was planted in 1993 near Lakeland, GA. This trial was planted in 6 replications of 10 plants per rep and had 5 varieties.

Table 1. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1993. Data from plants randomly selected from seed production research trials near Lakeland, Georgia.

Cultivar	Average leaf width	Average leaf length	Spike length	Seedhead length	Number of spikelets per spike	Ligule hair length	Seedheads per cm^2
	mm	cm	cm	cm	no	mm	
J-37	4.4 b	7.8 b	10.8 a	4.0	32.7 c	3.2 a	0.4
J-36	5.3 a	7.6 b	8.9 b	3.8	37.9 b	3.3 a	0.7
W-3-2	5.1 a	10.3 a	.	.	.	3.3 a	
Meyer	3.3 c	5.5 c	.	.	.	2.4 b	
Common	5.1 a	9.1 ab	9.5 b	3.8	45.6 a	3.3 a	

Cultivar	Weight of 100 seeds	Stolon internode length	Stolon internode width	Glume length	Glume width	Glume length/width
	mg	cm	mm	mm	mm	
J-37	82.8 a	7.5 a	0.5 d	3.7 a	1.1 a	3.36
J-36	75.8 b	2.7 b	1.9 a	3.0 b	1.1 a	2.73
W-3-2	.	1.9 c	1.7 b	.	.	
Meyer	.	1.9 c	1.2 c	.	.	
Common	60.1 c	.	.	2.9 b	1.0 b	2.9

Means were separated using the LSD procedure at the 0.05 level; means followed by the same letter are not significantly different.

Table 2. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1994. Data from spaced planted PVP trial near Lakeland, Georgia.

Cultivar	Spike length	Seedhead length	Sheath length	Lateral leaf length	Lateral leaf width
	mm	cm	cm	cm	mm
J-37	13.00 a	3.71 a	2.97 ab	10.5 ab	4.72 b
Common	8.50 bc	3.00 a	3.43 a	11.3 a	5.53 a
W-3-2	10.48 ab	3.25 a	2.54 b	9.1 bc	4.53 b
Meyer	5.50 c	1.50 b	2.44 b	7.6 cd	3.72 c
J-36	10.53 ab	2.50 ab	2.45 b	7.3 d	4.92 b
$LSD_{0.05}$	3.618	1.470	0.632	1.70	0.386

Table 3. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1994. Data from spaced planted PVP trial near Lakeland, Georgia.

Cultivar	Stolon	Stolon length	Stolon internode length	Stolon internode width	Stolon leaf length	Stolon leaf width
	#	cm	mm	mm	mm	mm
J-37	3.1	21.61 ab	21.72	1.25 ab	29.5	3.0
Common	2.0	27.50 a	24.67	1.40 a	33.6	3.0
W-3-2	3.3	12.89 b	16.89	1.19 ab	20.9	3.1
Meyer	2.0	17.77 ab	17.78	1.33 a	28.0	2.8
J-36	3.2	15.54 ab	17.90	1.10 b	25.5	3.3
$LSD_{0.05}$	ns	12.356	ns	0.229	ns	ns

Table 4. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1994. Data from spaced planted PVP trial near Lakeland, Georgia.

Cultivar	Glume width	Glume length	Glume length/width	Spikes per spikelet	Weight of 100 seeds
	mm	mm	ratio	#	mg
J-37	1.08 c	3.73 a	3.56 a	24.9 bc	46.95 b
W-3-2	1.21 a	3.33 b	2.78 b	27.2 b	37.38 c
Meyer	0.99 d	2.66 d	2.72 b	20.0 c	27.50 d
J-36	1.16 b	2.97 c	2.60 bc	24.1 bc	35.60 c
Common	1.24 a	2.90 c	2.36 c	36.0 a	59.60 a
$LSD_{0.05}$	0.047	0.185	0.256	7.13	5.986

Table 5. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1995. Data from spaced planted PVP trial near Lakeland, Georgia.

Cultivar	Stolon	Stolon length	Stolon internode		Stolon leaf		Sheath length
			length	width	length	width	
	#	cm	mm	mm	mm	mm	cm
J-37	16.9	41.28 a	21.40 ab	2.35 ab	39.6 a	4.00 ab	13.55 a
W-3-2	13.5	44.84 a	24.89 a	2.63 a	32.3 b	3.74 bc	14.36 a
Common	12.4	45.34 a	23.63 ab	2.44 ab	34.1 b	4.31 a	13.12 a
J-36	12.7	28.56 b	18.61 b	2.14 b	34.0 b	3.47 c	13.18 a
Meyer	16.1	37.36 ab	18.06 b	2.19 b	23.3 c	2.69 d	7.79 b
$LSD_{0.05}$	ns	8.878	6.016	0.408	3.97	0.464	1.404

Table 6. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1995. Data from spaced planted PVP trial near Lakeland, Georgia.

Cultivar	Seedhead length	Spike length	Lateral leaf		Flagleaf		Flagleaf length/width
			length	width	length	width	
	mm	cm	cm	mm	mm	mm	ratio
J-37	44.75 a	18.02 a	10.99 b	5.35 b	60.70 b	1.28 ab	52.44 a
W-3-2	43.11 ab	18.67 a	13.18 a	4.63 c	70.00 a	1.39 ab	57.16 a
Common	39.18 b	17.04 a	13.47 a	6.00 a	69.94 a	1.41 ab	53.75 a
J-36	43.67 ab	17.55 a	11.97 ab	5.83 a	68.94 ab	1.83 a	49.95 ab
Meyer	31.00 c	10.89 b	8.11 c	3.69 d	41.27 c	1.23 b	36.62 b
$LSD_{0.05}$	4.614	1.698	1.648	0.389	8.904	0.587	14.18

Table 7. Morphological characteristics of zoysiagrass (*Zoysia japonica* Willd.) cultivars, in 1995. Data from spaced planted PVP trial near Lakeland, Georgia.

Cultivar	Weight of 100 seeds	Spikes per spikelet	Glume		
			width	length	length/width
	mg	#	mm	mm	ratio
J-37	48.62 b	35.5 c	1.31 a	3.26 a	2.55 c
Meyer	53.00 b	29.8 e	0.72 d	2.26 c	3.23 a
W-3-2	111.94 a	31.8 d	0.90 b	2.59 b	2.94 b
Common	65.41 b	42.7 b	0.82 c	2.23 c	2.77 b
J-36	69.52 b	45.3 a	0.87 bc	2.14 c	2.51 c
$LSD_{0.05}$	38.04	1.78	0.062	0.139	0.201

EXHIBIT 14 E

J-37 Zoysiagrass

Ownership of the Variety

J-37 zoysiagrass was bred and developed by Susan Samudio, with cooperation by A. Douglas Brede, both of Spokane, Washington. All rights and interest in the variety, J-37, are assigned by the breeders by their signature below to Jacklin Seed Company, West 5300 Riverbend Avenue, Post Falls, Idaho 83854. The Commissioner, Plant Variety Protection Office is requested to issue the plant variety certificate in accordance within.

Executed _____
State of Idaho

Susan Samudio
Susan Samudio

A. Douglas Brede
A. Douglas Brede

COUNTY OF KOOTENAI

Before me a Notary Public for the county of Kootenai, Idaho, personally appeared Susan Samudio and A Douglas Brede, known to me to be the persons who executed and acknowledged it to be of his/her free act and deed.

WITNESS my hand and seal this 9th day of July 1993

Lynn K. Gallant
Notary Public

Commission expires: 5/16/96

9400052

ASSIGNMENT OF
PLANT VARIETY PROTECTION CERTIFICATE APPLICATION

1. JACKLIN SEED COMPANY, an Idaho corporation, having its principal place of business in Post Falls, Idaho, owns a variety of Zoysiagrass for which an application for a plant variety certificate is pending under the name ***J-37*** under the United States Department of Agriculture, Plant Variety Protection Office, under Registration No. 9400052.

2. J.R. SIMPLOT COMPANY, a Nevada corporation, whose address is One capital Center, 999 Main Street, Suite 1300, Boise, Idaho 83702, desires to acquire said application and the pending registration thereof.

In consideration of the foregoing and other good and valuable consideration, receipt of which is hereby acknowledged, Jacklin Seed Company does hereby assign to J.R. Simplot Company all right, title and interest of Jacklin Seed Company in and to the pending registration for a plant variety protection certificate described herein.

IN TESTIMONY WHEREOF, JACKLIN SEED COMPANY hereunto sets it hand and seal the day and year set opposite its signature.

JACKLIN SEED COMPANY

Date: September 30, 1997

By _____
Duane A. Jacklin, President

State of Idaho)
) ss.
County of Kootenai)

On this 30th day of September, 1997, before me, a Notary Public in and for said state, personally appeared Duane A. Jacklin, known or identified to me to be a partner of Jacklin Seed Company, the corporation that executed this instrument, or the person who executed the instrument on behalf of said corporation and acknowledged to me that such corporation executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

_____
Notary Public in and for the State of Idaho, residing at Post Falls
Commissionexpires: 1999